

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRADLEY KEITH SLEIGHTER,

Plaintiff,

Case No. 1:12-cv-910

v.

Honorable Janet T. Neff

KENT COUNTY CORRECTIONAL
FACILITY ADMINISTRATION et al.,

Defendants.

AMENDED ORDER FOR SERVICE

This is a civil rights action by an inmate, who has since been released from the Kent County Correctional Facility. Plaintiff currently resides in Wyoming, Michigan. The Court has conducted an initial review of the amended complaint pursuant to 28 U.S.C. §1915(e), to determine whether it is frivolous, malicious, fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant that is immune from such relief. Upon initial review, the Court concludes that the amended complaint is not subject to dismissal for any of the reasons listed above.

Therefore:

IT IS ORDERED that in accordance with Administrative Order No. 03-029, the Clerk shall return to Plaintiff with a copy of this order one copy of the amended complaint and any exhibits.

IT IS FURTHER ORDERED that immediately upon receipt of this order, Plaintiff shall make three (3) copies of the amended complaint (docket #10) and exhibits for service upon

Defendants.¹ Plaintiff is responsible for the cost of the copies.

IT IS FURTHER ORDERED that within fourteen days of this order, Plaintiff shall file with the Court the requisite number of copies of the amended complaint and exhibits along with a copy of this order OR an affidavit explaining why Plaintiff is unable to provide the requested copies within the fourteen-day period.

IT IS FURTHER ORDERED that Plaintiff's failure to submit the requested copies within the time provided by the Court or an affidavit explaining why Plaintiff is unable to provide the requested copies may result in the dismissal of his action without prejudice by the Court.

IT IS FURTHER ORDERED that upon receipt of the copies required by this order, the Clerk shall forward the amended complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendants in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d).

IT IS FURTHER ORDERED that Defendants shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by

¹Plaintiff lists the Kent County Correctional Facility Administration as a Defendant. Plaintiff is essentially suing the Kent County Jail. The jail is a building, not an entity capable of being sued in its own right. *Cf. Travis v. Clinton Cnty. Jail*, No. 1:10-cv-1276, 2011 WL 447000, at *2 (W.D. Mich. Feb. 4, 2011). Moreover, the Kent County Correctional Facility is merely an arm of Kent County. Thus, construing Plaintiff's *pro se* complaint liberally, *see Haines v. Kerner*, 404 U.S. 519, 520 (1972), the Court assumes that Plaintiff intended to sue Kent County, the entity responsible for operation of the Kent County Correctional Facility. Accordingly, the U.S. Marshals Service shall serve Kent County.

the Court, no Defendant is required to file an answer or motion in response to the amended complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Date: May 15, 2013

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge